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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. CR 05-00668 MMC
16 Plaintiff,) ORDER AND STIPULATION VACATING
17 v.) BRIEFING SCHEDULE AND
18 RODNEY SHAVERS,) EXCLUDING TIME FROM THE SPEEDY
19 Defendant.) TRIAL ACT CALCULATIONS (18 U.S.C.
20 § 3161)
21) ORDER SETTING STATUS
22) CONFERENCE

23 With the agreement of the parties, and with the consent of the defendant, the Court enters
24 this order vacating the briefing schedule and hearing date until further order of the Court and
25 documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161. The parties
26 agree, and the Court finds and holds, as follows:

27 1. A motion for the disclosure of the identities of confidential informants has been pending
28 in the above-captioned matter and time has been excluded on that motion from November 1,
29 2006 through January 31, 2007.

30 2. The Court, with the concurrence of the parties, set a briefing schedule and, again with the
31 concurrence of the parties, reset the schedule to accommodate plea negotiations. Presently, the
32 salient dates are:

33 A. The government's response to defendant's Motion will be due on January 3, 2007;

1 B. The defendant's reply will be due on January 17, 2007;

2 C. Hearing on this matter will be on January 31, 2007.

3 3. The parties have come to an agreement in principal to dispose of this matter and desire the

4 Court to vacate the dates set out above until further order by the Court.

5 4. The defendant agrees to an exclusion of time under the Speedy Trial Act:

6 A. 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable
7 time necessary for effective preparation, taking into account the exercise of due
8 diligence. Counsel for the defense has specifically considered the need for
9 additional time to continue plea negotiations;

10 B. 18 U.S.C. § 3161(h)(1)(f) as delay resulting from the pendency of a pretrial
11 motion.

12 6. Given these circumstances, the Court finds that the ends of justice served by excluding the
13 period from November 1, 2006 until the resolution of defendant's motion outweigh the best
14 interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

15 8. Accordingly, and with the consent of the defendant, the Court (1) vacates the briefing
16 schedule and hearing dates specified above until further order by the Court and (2) orders that
17 the period from November 1, 2006 through the disposition of the defendant's motion be
18 excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(8)(A) & (B)(iv) and
19 3161(h)(1)(f).

20 IT IS SO STIPULATED.

21 DATED: 12/28/06

/S/
ANTHONY J. BRASS
Attorney for Defendant

23 DATED: 12/28/06

/S/
BLAKE D. STAMM
Assistant United States Attorney

25 IT IS SO ORDERED. Further, the parties are directed to appear on January 31, 2007, at 2:30
26 p.m., for a status conference

27 DATED: January 3, 2007


HON. MAXINE M. CHESNEY
United States District Court Judge